

REMARKS

1. Claim Rejections – 35 U.S.C. § 103(a) - Claims 1-4, 6-20, 22-27, and 29-38

The Examiner has rejected claims 1-4, 6-20, 22-27, and 29-38 under 35 U.S.C. § 103(a) as being unpatentable over Swales *et al.* (U.S. Patent No. 6,233,626), Montijo (U.S. Patent No. 6,052,107), and further in view of Johnson *et al.* (U.S. Patent No. 6,622,185). Applicants respectfully traverse this rejection. For the sake of brevity, the rejections of the independent claims are discussed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

The Examiner has stated that the combination of the Swales *et al.* reference, Montijo reference, and Johnson *et al.* reference renders claims 1-4, 6-20, 22-27, and 29-34 obvious. However, the combination of the Swales *et al.* reference, Montijo reference, and Johnson *et al.* reference does not teach or suggest the claimed elements of:

a plurality of gaming machines networked in a gaming machine network environment, each of the plurality of gaming machines having a non-true real time computer having a gaming processor, a non-true real time operating system, and a non-true real time-enabled circuit board;

a general purpose device controller employing asynchronous true real time peripheral device control, wherein the device controller interfaces between the plurality of peripheral devices and one of the plurality of gaming machines a non-true real time computer having a non-true real time operating system and a non-true real time-enabled circuit board, thereby allowing the non-true real time operating system to implement true real time control of the plurality of peripheral devices. (Emphasis added).

Specifically, the Examiner stated, “Johnson teaches a use of non-true real time gaming computer [Johnson figure 2, element 201 and column 6, lines 8-45] in communication with a true-real time computer [Johnson figure 2, element 213 and column 6, lines 8-45] for providing a real-time programmable interface to a general-purpose non-real-time computing system [Johnson column 5, line 62 to column 6, line 7.]” Respectfully, this is a mischaracterization of the Johnson *et al.* reference, which discloses a gaming machine that includes a real time-enabled

circuit board, i.e., the Intelligent Interface Module. This is in direct conflict with the claimed invention.

Particularly, the control system utilized by Johnson *et al.* alters a standard computer (201 in FIG. 2 and 301 in FIG 3) by inserting a real time circuit board (Intelligent Interface Module (IIOB) 223 in FIG 2 and 310 in FIG. 3) into the computer. See FIGS. 2 and 3; Col. 6 lines 37-45; and Col. 7, lines 12-19 and 28-40; and Col. 8 lines 26-33. Specifically, the Johnson *et al.* invention, which is attached inside of a standard computer 301, is an interface module 310 that includes its own processor 313 and memory 312, and attaches to the memory 320 and processor 303 of the computer 301 in order to transform the non-true real time computer into a true real time computer. See Fig. 3; and Col. 7, lines 12-19 and 28-40.

In stark contrast, the claimed invention does not alter, modify, or otherwise change a non-true real time computer into a true real time computer, but rather provides a general purpose device controller that employs true real time peripheral device control, and thus, enables an unaltered, non-true real time computer having a non-true real time operating system and a non-true real time-enabled circuit board to employ true real time peripheral device control over various peripheral devices. The ability to employ true real time control over various peripheral devices using an unaltered, non-true real time computer is an efficient, powerful, cost-reducing tool that is provided by the claimed invention.

Accordingly, the Johnson *et al.* reference teaches away from the claimed invention. The claimed invention enables a general purpose device controller to employ asynchronous true real time peripheral device control over a peripheral device by interfacing between the peripheral device and a gaming machine that contains a non-true real time computer having a non-true real time operating system and a non-true real time-enabled circuit board. In contrast, the Johnson *et al.* reference clearly teaches a gaming machine that contains a non-true real time computer having a true real time-enabled circuit board “When the prior art teaches away from combining certain known elements, discovery of successful means of combining them is more likely to be nonobvious.”¹ See also M.P.E.P. § 2144.05 entitled, Rebuttal Of Prima Facie Case Of

¹ *KSR Int'l Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395 (2007).

Obviousness (stating that "a prima facie case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention").

Accordingly, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of claims 1-4, 6-20, 22-27, and 29-38 as being unpatentable over the Swales *et al.* reference, Montijo reference, and Johnson *et al.* reference has been overcome.

2. Claim Rejections – 35 U.S.C. § 103(a) - Claims 5, 21, and 28

The Examiner has rejected claims 5, 21, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Swales *et al.* (U.S. Patent No. 6,233,626), Montijo (U.S. Patent No. 6,052,107), Johnson *et al.* (U.S. Patent No. 6,622,185), and further in view of Evoy *et al.* (U.S. Patent No. 5,958,020). Applicants respectfully traverse this rejection. For the sake of brevity, the rejections of the independent claims are discussed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

The Evoy *et al.* reference does not supply any of the shortcomings of the Swales *et al.* reference, the Montijo reference, and the Johnson *et al.* reference, which were described above in Section 1. Indeed, the Evoy *et al.* reference does not teach, suggest, or disclose any information related to enabling a general purpose device controller to employ asynchronous true real time peripheral device control over a peripheral device by interfacing between the peripheral device and a gaming machine that contains a non-true real time computer having a non-true real time operating system and a non-true real time-enabled circuit board. In conclusion, Applicants respectfully submit that the 35 U.S.C. §103(a) rejection of claims 5, 21, and 28 have been overcome.

CONCLUSION

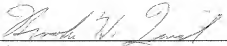
Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 1-38 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

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Brooke W. Quist
Reg. No. 45,030
STEPTOE & JOHNSON LLP
2121 Avenue of the Stars
Suite 2800
Los Angeles, CA 90067
Tel 310.734.3200
Fax 310.734.3300